

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of the claims in the Application:

Listing of Claims

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1. (Currently Amended) A method of servicing a network request comprising the steps of:  
determining availability of resource capacity in response to said a network request for data  
from a server, received from a client; and  
responsive to the determining step, allocating a scheduled time for resending said network  
request to said server by a said client ~~initiating said request~~.
  2. (Currently Amended) The method of claim 1 wherein said step of allocating a ~~scheduled~~  
scheduled time comprises the steps of:  
selecting said scheduled time; and  
notifying said client to resend said network request at said scheduled time.
  3. (Original) The method of claim 2 wherein said step of selecting said scheduled time  
comprises the step of selecting said scheduled time from a preselected plurality of time slots.
  4. (Original) The method of claim 1 further comprising the steps of:  
breaking a file requested in said network request into a set of subfiles, wherein said network  
request scheduled for resending comprises a request to send a preselected subfile of said set of  
subfiles.
  5. (Original) The method of claim 1 further comprising the step of servicing said request in real  
time when resource capacity is available.

6. (Previously Amended) The method of claim 3 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing requests in real time.

7. (Previously Amended) The method of claim 3 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request.

8. (Currently Amended) ~~The method of claim 6~~ A method of servicing a network request comprising the steps of:

determining availability of resource capacity in response to said network request; and  
allocating a scheduled time for resending said network request by a client initiating said request, wherein said step of allocating a schedule time comprises the steps of:

selecting said scheduled time; and  
notifying said client to resend said network request at said scheduled time, and  
wherein said step of selecting said scheduled time comprises the step of selecting said scheduled time from a preselected plurality of time slots, wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing requests in real time, and wherein said first portion includes a second portion reserved for servicing requests having a first priority.

9. (Currently Amended) A method of servicing a network request comprising the steps of:  
determining availability of resource capacity in response to said network request; and  
allocating a scheduled time for resending said network request by a client initiating said request, wherein said step of allocating a schedule time comprises the steps of:

selecting said scheduled time; and  
notifying said client to resend said network request at said scheduled time, and  
wherein said step of selecting said scheduled time comprises the step of selecting said scheduled

time from a preselected plurality of time slots, wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request, and ~~The method of claim 7~~ wherein said first portion includes a second portion reserved for servicing requests having a first priority.

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10. (Currently Amended) A data processing system for servicing a network request comprising:  
circuitry operable for determining availability of resource capacity in response to ~~said a~~ network request for data from a server received by said server from a client; and  
circuitry operable for allocating a scheduled time for resending said network request by a said client in response to the circuitry operable for determining availability of resource capacity ~~initiating~~ ~~said request.~~

11. (Original) The data processing system of claim 10 wherein said circuitry operable for allocating a schedule time comprises:  
circuitry operable for selecting said scheduled time; and  
circuitry operable for notifying said client to resend said network request at said scheduled time.

12. (Original) The data processing system of claim 11 wherein said circuitry operable for selecting said scheduled time comprises circuitry operable for selecting said scheduled time from a preselected plurality of time slots.

13. (Original) The data processing system of claim 10 further comprising:  
circuitry operable for breaking a file requested in said network request into a set of subfiles, wherein said network request scheduled for resending comprises a request to send a preselected subfile of said set of subfiles.

14. (Original) The data processing system of claim 10 further comprising circuitry operable for servicing said request in real time when resource capacity is available.

15. (Previously Amended) The data processing system of claim 12 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing requests in real time.

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CI } 16. (Previously Amended) The data processing system of claim 12 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request.

17. (Currently Amended) A data processing system for servicing a network request comprising:  
circuitry operable for determining availability of resource capacity in response to said  
network request; and

allocating a scheduled time for resending said network request by a client initiating said  
request, wherein said circuitry operable for allocating a schedule time comprises:

circuitry operable for selecting said scheduled time; and

circuitry operable for notifying said client to resend said network request at said scheduled  
time, wherein said circuitry operable for selecting said scheduled time comprises circuitry operable  
for selecting said scheduled time from a preselected plurality of time slots, wherein each time slot  
includes a first portion having a first preselected proportion of a predetermined network resource  
capacity, said first portion comprising a portion reserved for servicing requests in real time, and  
The data processing system of claim 15 wherein said first portion includes a second portion reserved for  
servicing requests having a first priority.

18. (Currently Amended) A data processing system for servicing a network request comprising:  
circuitry operable for determining availability of resource capacity in response to said  
network request; and

allocating a scheduled time for resending said network request by a client initiating said request, wherein said circuitry operable for allocating a schedule time comprises:

circuitry operable for selecting said scheduled time; and

circuitry operable for notifying said client to resend said network request at said scheduled time, wherein said circuitry operable for selecting said scheduled time comprises circuitry operable for selecting said scheduled time from a preselected plurality of time slots and-12 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request, and ~~The method of claim 16~~ wherein said first portion includes a second portion reserved for servicing requests having a first priority.

19. (Currently Amended) A program product adaptable for storage on program storage media, the program product operable for servicing a network request, the program product comprising:

programming for determining availability of resource capacity in response to said a network request for data from a server received by said server from a client; and

programming for allocating a scheduled time for resending said network request by a said client in response to the programming for determining availability of resource capacity initiating said request.

20. (Original) The program product of claim 19 wherein said programming for allocating a schedule time comprises:

programming for selecting said scheduled time; and

programming for notifying said client to resend said network request at said scheduled time.

21. (Original) The program product of claim 20 wherein said programming for selecting said scheduled time comprises programming for selecting said scheduled time from a preselected plurality of time slots.

22. (Original) The program product of claim 19 further comprising programming for:  
breaking a file requested in said network request into a set of subfiles, wherein said network request scheduled for resending comprises a request to send a preselected subfile of said set of subfiles.

23. (Original) The program product of claim 19 further comprising programming for servicing said request in real time when resource capacity is available.

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CI } 24. (Previously Amended) The program product of claim 21 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing requests in real time.

25. (Previously Amended) The program product of claim 21 wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request.

26. (Currently Amended) A program product adaptable for storage on program storage media, the program product operable for servicing a network request, the program product comprising:  
programming for determining availability of resource capacity in response to said network request; and

programming for allocating a scheduled time for resending said network request by a client initiating said request, wherein said programming for allocating a schedule time comprises the steps of:

programming for selecting said scheduled time; and  
programming notifying said client to resend said network request at said scheduled time, and wherein said step of selecting said scheduled time comprises the step of selecting said scheduled time from a preselected plurality of time slots, wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion

comprising a portion reserved for servicing requests in real time, and ~~The program product of claim 24~~ wherein said first portion includes a second portion reserved for servicing requests having a first priority.

27. (Original) A program product adaptable for storage on program storage media, the program product operable for servicing a network request, the program product comprising:

programming for determining availability of resource capacity in response to said network request; and

programming for allocating a scheduled time for resending said network request by a client initiating said request, wherein said programming for allocating a schedule time comprises the steps of:

programming for selecting said scheduled time; and

programming notifying said client to resend said network request at said scheduled time, and wherein said step of selecting said scheduled time comprises the step of selecting said scheduled time from a preselected plurality of time slots, wherein each time slot includes a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing at least one scheduled request, and ~~The program product of claim 25~~ wherein said first portion includes a third portion second portion reserved for servicing requests having a first priority.

28. (Original) A data processing system comprising:

a network;

a client coupled to said network; and

a server coupled to said network, said client including circuitry operable for sending a request for delivery of software assets over said network to said server, wherein said server includes circuitry operable for scheduling said request for delayed servicing in response to insufficient system capacity, and circuitry for sending a notification to said client to resend said request according to said scheduling .

29. (Original) The data processing system of claim 28 wherein said request is scheduled for servicing at a preselected time.

30. (Original) The data processing system of claim 28 wherein said client further includes circuitry operable for resending said request in response to said notification.

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C1 } 31. (Original) The data processing system of claim 28 wherein said network comprises the Internet.

32. (Original) The data processing system of claim 28 wherein said server further includes circuitry operable for breaking said software asset into a plurality of subfiles, wherein said request for resending comprises a request for a preselected subfile of said plurality.

33. (Previously Added) A method for servicing a network request comprising:  
determining availability of resource capacity in response to said network request;  
allocating a scheduled time for resending said network request by a client initiating said request, the step of allocating a scheduled time including the substeps of:

selecting said scheduled time; and

notifying said client to resend said network request at said scheduled time, and wherein said scheduled time is selected from a preselected plurality of time slots, each time slot including a first portion having a first preselected proportion of a predetermined network resource capacity, said first portion comprising a portion reserved for servicing requests in real time, and each time slot including a second portion having a first preselected proportion of a predetermined network resource capacity, said second portion comprising a portion reserved for servicing at least one scheduled request.